

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION,
AFL-CIO/CLC and JAMES KILBORN
in his capacity as
Administrator of USW Local
8378,

3:15-CV-00955-BR

TEMPORARY RESTRAINING
ORDER

Plaintiffs,

v.

JOSEPH J. MUNGER, SR., and
LEE FRAKES,

Defendants.

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BROWN, Judge.

This matter is before the Court on continued proceedings related to Plaintiffs' Motion (#13) for Temporary Restraining Order.

Plaintiff United Steel Workers International Union (USW) placed Local No. 8378 into trusteeship and appointed James Kilborn as Administrator of the Local. Defendants Joseph Munger and Lee Frakes, whose status as officers of the Local was suspended in the process, disputed the validity and grounds for the USW's actions and removed certain files from the Local's offices to an offsite storage facility inaccessible to the Administrator and to rank-and-file bargaining union members seeking access through the Administrator.

Plaintiffs moved for temporary injunctive relief seeking, among other things, an order from this Court requiring Defendants' return of the records and property of the Local to Plaintiffs immediately.

On June 12, 2015, the Court granted in part Plaintiffs' Motion for Temporary Restraining Order and set further

proceedings on June 24, 2015.

On June 24, 2015, the Court heard further argument on the Motion for Temporary Restraining Order and, among other things, directed the parties to confer concerning a form of order amending and continuing the Temporary Restraining Order until further order of the Court.

On July 9, 2015, the parties submitted competing forms of a Modified Temporary Restraining Order. After reviewing the parties' proposed Orders, the Court enters the following Modified Temporary Restraining Order:

1. Bank Accounts. Defendants are ordered to immediately take all necessary steps to return exclusive control of and signing authority for Local 8378's bank accounts to the Administrator.

2. Preservation Order. The Court recognizes a dispute remains as to whether certain records stored on Defendants' personal electronic devices constitute union property rather than Defendants' personal property. The Court declines to address or to decide the issue of ownership of the disputed records at this stage of the proceedings in light of the ongoing administrative process related to the underlying dispute in this matter. At this time the Court orders Defendants to preserve and not to delete or to destroy any electronic or physical files in Defendants' possession, including electronic files relating in

any way to union business that may reside on personal laptops, in storage, or on mobile devices.

3. Temporary Restraining Order. The Temporary Restraining Order issued by the Court on June 12, 2015, shall continue in effect until further order of the Court. Any party may present a motion to terminate the Temporary Restraining Order for good cause at any time.

The Court **DIRECTS** the parties to submit a joint status report **no later than July 17, 2015**.

IT IS SO ORDERED this 10th day of July, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge